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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,233	11/29/2000	Christine Miyachi	XER-20374D/A0600	9612
7590 09/03/2008				
Albert P. Sharpe III Esq Fay Sharpe Fagan Minnich & McKee LLP 7th Floor 1100 Superior Avenue Cleveland, OH 44114-2518				
EXAMINER				
WORKU, NEGUSSIE				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
09/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/726,233

Applicant(s)

MIYACHI ET AL.

Examiner

NEGUSSIE WORKU

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

/Edward L. Coles/

Supervisory Patent Examiner, Art Unit 2625

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 05/22/08 have been fully considered but they are not persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. Further, with regard to applicant's arguments of claim 1, Examiner respectfully disagrees that Sabbagh teaches a partial print provider that permits a first print spooler, spooler 324, Figure 3, associated with the network print server, server system (340) to interface with a second print spooler (spooler 326) associated with a print server (340) for further processing a print job. Examiner disagrees with applicant's characterization of the rejection for at least the following reasons. First, it is submitted that the spoolers 324 and 326 are not associated with the server 340, as the drawing shows and, therefore, Sabbagh to anticipate independent claim 1.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Sabbagh et al. (USP 6,814,510).

With respect to claim 1, Sabbagh '510' teaches a partial print provider (print provider 332 of fig 3) that permits a first print spooler (spooler 324 of fig 3) associated with a network print server (server system 340 of fig 3) to interface with a second print spooler (spooler 326 of fig 3) associated with a print server (server system 340 of fig 3) associated with the network print server (340 of fig 3) for further processing of a print job submitted to a the network print server (34 of fig 3) from a network print client (client system 304 of fig 3, col.3, lines 40-65+).

With respect to claim 2, Sabbagh '510' teaches a partial print provider, (332 of fig 3) wherein the network print server (server system 340 of fig 3) is operating Windows NT software and the second print spooler (326 of fig 3) is a Windows NT print spooler, (client system 304 of fig 3, col.3, lines 40-65+).

With respect to claim 3, Sabbagh '510' teaches a partial print provider (332 of fig 3) wherein the interface between the NT print spooler and the first spooler the first spooler 324 of fig 3) to leverage off on Microsoft's print services, protocols and network technologies, (client system 304 of fig 3, col.3, lines 40-65+).

With respect to claim 4, Sabbagh '510' teaches a partial print, wherein the partial print provider (332 of fig 3) is a dynamically linked Library file (provider DLL 332 of fig 3).

With respect to claim 5, Sabbagh '510' teaches a partial print provider (332 of fig 3) wherein all print jobs received by the second spooler (324 of fig 3) is forwarded to the first spooler (326 of fig 3).

With respect to claim 6, Sabbagh '510' teaches a partial print provider, wherein the partial print provider can be modified to establish an interface between the print spooler, (client system 304 of fig 3, col.3, lines 35-60+).

With respect to claim 7, Sabbagh '510' teaches a partial print provider (332 of fig 3) wherein the network print server is configured to be used with a xerographic print, (client system 304 of fig 3, col.3, lines 30-65+).

Allowable Subject Matter

4. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claim 8, is allowed the prior art does not teach or disclose the partial print provider, wherein the partial print provider acts as a direct link between the first print spooler and the second print spooler.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

/Negussie Worku/

Examiner, Art Unit 2625